



## California Building Standards Commission

### Glossary of Terms

There are many words, names and phrases associated with the California Building Standards Code and the work to adopt, publish and enforce it. This document will explain many of those words, names and phrases in alphabetical order. In many cases while defining one word it was necessary to use another word that also needs an explanation. In these cases we have underlined words that are defined elsewhere in this document.

Also, we have provided references to state laws where a definition or related information is available. Access state laws at the website <http://leginfo.legislature.ca.gov/faces/codes.xhtml> .

There are references to materials available at the California Building Standards Commission website <http://www.bsc.ca.gov/default.htm>

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**Administrative Procedure Act:** The name given the portion of state law in California Government Code, Title 2, Chapters 3.5, 4 and 5, commencing with Section 11340. This body of law establishes procedures for state agencies, including the process for the adoption of regulations. The California Building Standards Law in the Health and Safety Code, that governs the process for adopting building standards for publication in Title 24, California Code of Regulations, makes reference to several requirements of the Administrative Procedure Act.

**Adopted or Adoption:** A definition is provided in Health and Safety Code Section 18906. In short, the term refers to the official ruling of the California Building Standards Commission to approve a proposed building standard for publication in Title 24 of the California Code of Regulations. A code provision that has been adopted may not yet be published or effective, except for an emergency regulation. See the definitions for publication date and effective date.

**Annual Code Adoption Cycle:** See Triennial Code Adoption Cycle and Intervening Code Adoption Cycle.

**Building Standards:** A legal definition of "building standard" is provided in Health and Safety Code Section 18909. In short a building standard is a state regulation placed in Title 24 of the California Code of Regulations when adopted or approved by the California Building Standards Commission. Building standards establish requirements for the design and construction of buildings and related facilities and equipment, and may include requirements that implement or enforce building standards.

**California Amendment:** Sometimes called a state amendment. It is an amendment, deletion or addition to the language of an adopted model code in Title 24 of the California Code of Regulations. A California Amendment is developed by a state adopting agency or state proposing agency and determined necessary to implement a requirement of state or federal law or regulations that is not provided in the adopted model code, or to remove conflicts in model codes with state or federal laws or regulations, or another adopted model code. Further, a California Amendment may be in the form of completely new code language within an adopted model code. For example, Chapters 7A, 11A, 11B and 11C of the California Building Code (Part 2 of Title 24), are California Amendments in their entirety. California Amendments are identified by *italic font print* in the code text of Title 24. There are exceptions to the use of italic font print however. Some model codes also use italic font print for special notes and identifiers.

**California Standard:** Commonly understood to be a building standard developed by the state adopting agency or a state proposing agency that is not an amendment to a model code provision. As discussed above, a California Amendment is an amendment to a model code used as the basis for a Part of CCR Title 24. Parts 2, 2.5, 3, 4, 5, 9 and 10 are based on model codes. The California Amendments to the model codes are identified by *italic font print* within the code text. Parts 6, 8 and 11 of Title 24 are not based on a model code. The contents of these parts are developed by the state proposing agencies or state adopting agencies and are commonly referred to as being a California Standard. Standard font print is used in Parts 6, 8 and 11.

**California Building Standards Code:** The name established by Health and Safety Code Section 18902 for Title 24 of the California Code of Regulations. Title 24 contains building standards in 13 Parts (eleven binders) published by the California Building Standards

Commission. The building standards in the California Building Standards Code are state regulations developed by various state agencies in the Executive Branch of state government. State laws require various state agencies to develop building standards for specific types of buildings, building equipment and features.

Note: Part 7 of Title 24 is currently vacant.

**California Building Standards Commission:** The state government entity to oversee the development of building standards and to publish the California Building Standards Code in Title 24 of the California Code of Regulations. The California Building Standards Commission operates under the authority established by Health and Safety Code, Division 13, Part 2.5, known as the California Building Standards Law. The abbreviation CBSC or BSC is often used to identify the California Building Standards Commission. The CBSC is comprised of 11 commissioners appointed by the Governor and subject to Senate approval. Each seat is designated for a specific profession or area of interest as prescribed by the Health and Safety Code Section 18921. The CBSC is supported by a staff of twelve state employees including an Executive Director.

**California Building Standards Law:** This name refers to the body of state law within Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901. The provisions of Part 2.5 govern the work of the California Building Standards Commission (CBSC) and how the building standards in Title 24 are adopted and published by the CBSC, and how the provisions apply.

**California Code of Regulations:** The name of the official regulations by the agencies of the Executive Branch of state government for the purpose of implementing and carrying out the intent of state law. The California Code of Regulations is divided into 28 separate titles, i.e. Title 1, 2, 3 etc. Each title is given a name as well. The abbreviation CCR is often used to identify the California Code of Regulations. The CCR is available online at the website of the Office of the Administrative Law (<http://www.oal.ca.gov>).

**California Regulatory Notice Register:** A state government publication containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend, or repeal regulations

contained in the California Code of Regulations. This document is available on the website of the Office of Administrative Law [http://www.oal.ca.gov/Notice\\_Register.htm](http://www.oal.ca.gov/Notice_Register.htm). When building standards for Title 24 are proposed a notice is placed in the California Regulatory Notice Register in addition to being available on the website of the California Building Standards Commission.

**Civil Code:** One of the 29 codes that make up California state law enacted through California's legislative process. There are provisions in the Civil Code that establish civil penalties for violations of Title 24 relating to accessibility.

**Civil Penalty:** In lay-person terms, a civil penalty results from a civil trial, resulting in an order of the court to pay monetary penalties to a governmental entity, firm or the individual bringing the civil action. There is no arrest warrant, arrest or criminal record. A civil suit is filed with the court having jurisdiction that alleges a violation of law that provides for the award of a civil penalty when violated. A civil trial is conducted to determine if the person named in the civil suit is in fact violating the law and is therefore liability to pay civil penalties.

**Code Advisory Committee(s):** Commonly abbreviated as "CAC". Health and Safety Code Section 18927 (state law) authorizes the California Building Standards Commission (CBSC) to establish advisory panels (or committees) of experts and the general public to assist the CBSC in carrying out its responsibilities. Six (6) standing Code Advisory Committees have been established:

- Plumbing, Electrical, Mechanical and Energy Committee
- Accessibility Committee
- Green Building Standards Committee
- Building, Fire and Other Committee
- Health Facilities Committee
- Structural Design - Lateral Forces Committee

These committees meet at the request of the CBSC to review and provide written comment to the CBSC on proposed building standards for Title 24. The comments are advisory and are not binding on the CBSC. The members of the committees are selected by the CBSC for their

expertise and for a balance of interests. The names of the current members of the Code Advisory Committee are available on the CBSC website.

Ad-hoc committees are established by the CBSC on an as needed basis.

**Coordinating Council:** A council of state proposing agencies and state adopting agencies established according to Health and Safety Code Section 18926 (state law). The membership of the council consists of the California Building Standards Commission's Executive Director, who serves as chairperson, and representatives appointed by the Director of the Department of Public Health, the Director of the Office of Statewide Health Planning and Development, the Director of the Department of Housing and Community Development, the State Fire Marshal, the Executive Director of the State Energy Resources Conservation and Development Commission, and the Director of Department of General Services. The primary purpose for the Coordinating Council is to:

- Ensure coordination between the agencies in the proposal of building standards
- Assisting in the development of building standards
- Resolving conflicting building standards

**Criminal Penalty:**

In lay-person terms, a criminal penalty is the result of a conviction of a crime punishable by imprisonment or a monetary fine, or both. Criminal penalties are categorized as an infraction (least serious), misdemeanor (less serious than felony), or a felony (most serious). Except for infractions, an arrest warrant is issued by the State Attorney General or more often by the local District Attorney. An arrest and trial is included in the due process to determine guilt. When found guilty, the judge of the court determines the penalty as provided by law. A criminal record is established for the person found guilty. There are state laws establishing misdemeanor penalties for violation of some provisions of Title 24.

**Effective Date:** The date a building standard in Title 24 becomes effective. This may be no sooner than 180-days following the Publication Date. Both the Publication Date and the Effective Date are established by the California Building Standards Commission.

**Emergency Regulations:** The Health and Safety Code (state law) authorizes the California Building Standards Commission to adopt emergency regulations when a situation develops that requires an immediate regulatory solution in order to preserve the health and safety, or general welfare of the public. Emergency regulations differ from those regulations adopted through the intervening or triennial code adoption cycles because the emergency regulation becomes effective immediately upon adoption by the California Building Standards Commission and filing with the Secretary of State, or at any future effective date established by the California Building Standards Commission. Emergency regulations are effective for up to 180-days, and can be extended for two 90-day periods under specific circumstances. For emergency regulations to become a permanent provision in Title 24, the California Building Standards Commission must provide the public a Notice of Proposed Action, Express Terms and Initial Statement of Reasons, and conduct a 45-day public comment period to include a public hearing. That process is much like the normal adoption process, except that the process takes place after the emergency of the building standards. Emergency regulation adoption for Title 24 is not a common event.

For additional information regarding emergency regulations refer to Health and Safety Code Section 18937 and 18938(d), and Government Code Sections 11346.1 and 11349.6.

**Enjoin, Injunction or Injunctive Relief:** In lay-person terms, a person "enjoined" has been ordered in an "injunction" issued by a court to stop an unlawful practice. An injunction is an order of the appropriate court directing a person, firm or entity to stop a practice that violates a law, or a regulation implementing law. Some laws allow the State Attorney General, local District Attorney, or a firm, entity or person to seek an injunction to enjoin a firm, entity or person believed to be violating a law. There are state laws establishing authority to enjoin a person violating specific provisions of Title 24.

**Express Terms:** This is one of the documents in the rulemaking file that proposes the adoption or amendment of a state regulation (including a building standard). It provides the public with the proposed code language. Generally proposed new language is illustrated with underlining (proposal) and language proposed for repeal is struck through (~~strikeout~~). A legend is provided within the document. See definitions for the other parts of a rulemaking file; Notice of Regulatory Action, Initial Statement of Reasons and Final Statement of Reasons.

**Final Statement of Reasons:** This is a document in a rulemaking file. It is developed after public hearings or a paper hearing. It is an update to the Initial Statement of Reasons and explains actions taken as a result of the public comments. Often the originally proposed regulatory language is amended based on public comments and the Final Statement of Reasons will explain that action. It will also explain why some public comments did not result in a change to the proposed regulatory language that becomes adopted.

**Government Code:** One of the 29 codes that make up California state law enacted through California's legislative process. Requirements for building accessibility are found in Sections 12955.1 et.al. and 4450 et.al.

**Health and Safety Code:** One of the 29 codes that make up California state law enacted through California's legislative process. The Health and Safety Code contains in excess of 130,000 sections organized into divisions, parts, and chapters, in that respective order. Divisions 12 and 13 contain provisions regarding the design and construction of buildings, including the California Building Standards Law.

**Initial Statement of Reasons:** This is one of the documents in the rulemaking file that proposes to adopt or amend a state regulation. It provides an explanation for the need of each proposed building standard or amendment to existing building standards, generally section by section.

**Intervening Code Adoption Cycle:** This refers to the process to adopt new provisions and amendments to the published Title 24 edition currently in use. The cycle occurs at an 18-month interval between the Triennial Code Adoption Cycles. The California Building Standards Commission establishes the opening and closing date of the cycle. The intervening code adoption cycle is to incorporate new requirements of state law, improve the code clarity, and correct substantive errors and omissions. The adopted changes are published for insertion into the current edition of Title 24. These new pages are called supplements.

Prior to January 1, 2011, there was an annual code adoption cycle each year between the triennial code adoption cycles. Assembly Bill 1693 (Chapter 145 of the 2010 Statutes)

amended the Health and Safety Code so that there is only one code adoption cycle between the triennial code adoption cycles.

**Matrix Adoption Tables:** Tables generally placed at the beginning of a Title 24 chapter to identify code sections that are adopted or adopted with amendment, or an adopted California Amendment section. These tables are non-regulatory and are provided to assist the code user. Not all provisions of Title 24 apply to all types of buildings, thus the Matrix Adoption Tables help identify the application of each section. Learn how to use the Matrix Adoption Tables in our *Guide to Title 24* available at the California Building Standards Commission website.

**Model Code:** A definition is provided in Health and Safety Code Section 18916. A model code is commonly understood to mean the codes published by the various private code development organizations such as the International Code Council, National Fire Protection Association, International Association of Plumbing and Mechanical Officials, and others. Reference Health and Safety Code Sections 17922, 18916 and 18938.3 for information about the use of model codes in the development of Title 24.

**Nine Point Criteria:** This refers to Health and Safety Code Section 18930 required criteria for proposed building standards. The nine points are:

- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
- (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
- (3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.
- (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
- (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
- (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
- (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
- (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
- (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement

informing the commission and submit that statement with the proposed building standard.

- (8) The format of the proposed building standards is consistent with that adopted by the commission.
- (9) The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

**Notice of Proposed Action:** This is a document in a rulemaking file that proposes to adopt or amend a state regulation, including a building standard. It provides a brief explanation of the proposal, how to obtain the Express Terms and related documents, and the date, time and location of any public hearing.

**Paper Hearing:** This is an unofficial term that is commonly understood to mean there is no public hearing scheduled for a proposed regulatory action because the proposal is judged to be minor in nature and non-controversial. The Notice of Proposed Action will state that a public hearing is not planned, but that a public hearing will be held if requested by the public within the specified timeframe. Not having a public hearing is a cost savings to the public. Comments regarding the proposed regulatory action must be submitted in writing.

**Public Hearing:** A hearing by a state agency to consider a proposed adoption of a building standard (state regulations). Hearings must be open to the public and are subject to the requirements of Government Code Sections 11120 – 11132, known as the Bagley-Keene Open Meeting Act. In the case of Title 24 proposals, the date, time and location of a hearing are provided on the Building Standards Commission website (<http://www.bsc.ca.gov>) and in the issued Notice of Proposed Action. At the public hearing the public may provide oral testimony regarding the proposed building standard. Written comments may also be submitted without oral testimony.

**Note:** A guide to the open meeting procedures is available through the Office of the Attorney General, Department of Justice at [http://ag.ca.gov/publications/bagleykeene2004\\_ada.pdf](http://ag.ca.gov/publications/bagleykeene2004_ada.pdf).

**Public Review or Public Comment Period:** Generally a 45-day period for the public to comment on proposed regulations. The period follows the issuance of the Notice of Proposed Action, Express Terms and Initial Statement of Reasons. The date of the public hearing is generally after the close of the public comment period. The period may be no less than 45 days, and is often longer in order to end on a business day. A 15-day or additional 45-day

public review period follows the issuance of a new Express Terms document to include amendments to the original proposed language as a result of public comment. Oral or written comments by the public become part of the official record of the regulatory action. Oral and written comments may be submitted during a public hearing held by a state agency.

**Publication Date and Publication:** A definition is provided in Health and Safety Code Section 18917.3. In relation to Title 24 building standards, it is the official date established by the California Building Standards Commission, when adopted building standards are in print form and available to the public. It is not the effective date, which is generally no less than 180-days from the Publication Date, or a later date set by the California Building Standards Commission. It can be said that the publication date starts the 180-day clock counting down to the effective date of the new code provisions.

**Rulemaking File:** Refers to the file of documents required by state law when proposing the adoption of a state regulation, including a building standard. The rulemaking file creates an official record of the process, actions taken and the public's involvement. The rulemaking file is required to be available for public review. It includes the Notice of Regulatory Action, Express Terms, Initial Statement of Reasons, Final Statement of Reasons, transcriptions or recordings of public hearings, and all received public comments. The California Building Standards Commission maintains a rulemaking file for each adoption of building standards.

**State Adopting Agency:** (also see State Proposing Agency) A state adopting agency has authority to develop and conduct their own public comment periods and hearings, and to adopt their proposed building standards. Its adoptions must be submitted to the California Building Standards Commission for approval and publication in Title 24. The California Building Standards Commission's authority to approve adoptions by state adopting agencies is limited to verifying that the adoption process was carried out in compliance with the requirements of state law. The state adopting agencies are:

- California Energy Commission
- State Historical Building Safety Board
- Board of State and Community Corrections
- Department of Food and Agriculture
- State Librarian

- State Lands Commission
- Department of Water Resources

See the definition for State Proposing Agency.

**State Agency Abbreviation or Acronyms:** The state adopting agency and state proposing agency acronyms identify the state agency adopting a model code provision or a California Amendment for a specific building occupancy, feature or equipment. The acronyms are shown in code text and in the Matrix Adoption Tables. See our *Guide to Title 24* available at the California Building Standards Commission website for more information about state agency acronyms and how they identify the application of Title 24 provisions.

**State Proposing Agency:** (also see State Adopting Agency) The state proposing agencies have authority to develop and propose building standards to the CBSC. The CBSC conducts the public comment period and certain public meetings, and adopts the proposed building standard for publication in Title 24. The state proposing agencies are:

- Department of Housing and Community Development,
- Division of the State Architect
- Office of the State Fire Marshal
- Office of Statewide Health Planning and Development
- Department of Consumer Affairs, and various boards therein
- California Department of Public Health

**State Regulations:** The contents of the California Code of Regulations, Title 1 through Title 28, promulgated by agencies of the Executive Branch of state government for the purpose of implementing and carrying out the intent of state law. The Office of the State Fire Marshal, Division of the State Architect and the Department of Housing and Community Development are examples of state agencies that are charged by state law with the responsibility to develop state regulations that are building standards for Title 24. The building standards in Title 24 are state regulations. For the purposes of our discussion about Title 24, the terms state regulations and building standards are synonymous.

**Title 24:** The 24th title within the California Code of Regulations. Title 24 is reserved for state regulations that are building standards published by the California Building Standards Commission. Title 24 is given the name of California Building Standards Code by Health and Safety Code Section 18902. It is sometimes referred to as the State Building Standards Code.

**Triennial Code Adoption Cycle:** This refers to the code adoption cycle that occurs on a three year interval to adopt a new edition of Title 24 based on new editions of model codes. The availability of new editions of the model codes initiates this process on dates established by the California Building Standards Commission. Otherwise, the process is similar to an intervening code adoption cycle.